

## Message Text

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PAGE 01 STATE 096291  
ORIGIN EB-08

INFO OCT-01 EA-09 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00  
FEA-01 IO-13 AGRE-00 CEA-01 CIAE-00 COME-00  
DODE-00 FRB-01 H-02 INR-07 INT-05 L-03 LAB-04  
NSAE-00 NSC-05 PA-02 AID-05 SS-15 STR-04 ITC-01  
TRSE-00 PRS-01 SP-02 OMB-01 /091 R

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APPROVED BY EB/OT/STA:JSSPIRO

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O R 282058Z APR 77  
FM SECSTATE WASHDC  
TO AMEMBASSY SEOUL IMMEDIATE  
INFO AMEMBASSY TAIPEI

UNCLAS STATE 096291

E.O. 11652: N/A

TAGS: ETRD

SUBJECT: NON-RUBBER FOOTWEAR CONSULTATIONS

REF: SEOUL 3467

1. IN RESPONSE TO REFTEL, YOU MAY INFORM GROK MINISTRY  
OF COMMERCE AND INDUSTRY THAT THE TRADE ACT OF 1974,  
SECTION 203(A)(4) DEFINES AN OMA AS AGREEMENTS WITH  
FOREIGN COUNTRIES QUOTE LIMITING THE EXPORT FROM FOREIGN  
COUNTRIES AND THE IMPORT INTO THE UNITED STATES OF SUCH  
ARTICLES END QUOTE.

THE DISTINCTION BETWEEN AN OMA UNDER THE TRADE ACT AND  
OTHER EXPORT RESTRAINT PROGRAMS IS THAT AN OMA REQUIRES  
THE ABILITY TO IMPOSE IMPORT RESTRAINTS AT U.S. BORDER  
SHOULD THAT BECOME NECESSARY. THE CRUCIAL DIFFERENCE  
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IS THE ABILITY OF THE U.S. TO ENFORCE ANY AGREEMENT.  
THE TRADE ACT, SECTION 203(G)(2) AUTHORIZES THE ENFORCEMENT  
RULES AND REGULATIONS QUOTE IN ORDER TO CARRY OUT AN  
AGREEMENT END QUOTE. IT IS THEREFORE NECESSARY AS AN  
ELEMENT OF ANY AGREEMENT THAT IT CONTAIN REFERENCE TO  
U.S. BORDER ACTION WHICH MAY BE TAKEN UPON IMPORTATION  
OF THE ARTICLES COVERED BY ANY AGREEMENT.

THE OMA DIFFERS FROM OTHER RESTRAINT AGREEMENTS IN THAT IT IS DIRECTLY AUTHORIZED BY LEGISLATION AND THEREFORE MUST MEET THE REQUIREMENTS AND INTENT OF THE LEGISLATION, WHEREAS RESTRAINTS NOT LEGISLATIVELY AUTHORIZED HAVE MORE LATITUDE IN THE DEGREE OF ENFORCEABILITY BY THE U.S. INCLUDED IN THE AGREEMENT.

2. THE OPERATIVE PARAGRAPHS OF OMA BETWEEN U.S. AND JAPAN ON SPECIALTY STEEL ARE PARAS 1 AND 2.

"1. (A) THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL LIMIT IMPORTS FROM JAPAN OF THE CATEGORIES OF SPECIALTY STEEL AS SET FORTH IN ANNEX A (HEREINAFTER REFERRED TO AS "THE CATEGORIES") FOR THE PERIOD OF THREE YEARS BEGINNING 14 JUNE 1976. IN THE EVENT THAT RESTRAINT LEVELS AS DEFINED IN ANNEX D(B) ARE REACHED IN ANY CATEGORY OR CATEGORIES PRIOR TO THE END OF A RESTRAINT PERIOD AS SET FORTH IN ANNEX B, THE GOVERNMENT OF THE UNITED STATES OF AMERICA, UNLESS OTHERWISE MUTUALLY AGREED, WILL DELAY FURTHER IMPORTATION IN THE CATEGORIES AFFECTED UNTIL AFTER THE END OF THAT RESTRAINT PERIOD.

(B) IMPORTS WILL BE COUNTED AGAINST RESTRAINT LEVELS ON THE BASIS OF DATE OF ENTRY, OR WITHDRAWAL FROM WAREHOUSE, FOR CONSUMPTION.

(C) THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL NOT LIMIT IMPORTS FROM JAPAN OF THE CATEGORIES BELOW  
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THE RESTRAINT LEVELS THEREFOR.

(D) IMPORTS FROM JAPAN OF EACH CATEGORY DURING THE FIRST HALF OF A RESTRAINT PERIOD WILL NOT EXCEED 60 PER CENT OF THE BASE LIMIT AS DEFINED IN ANNEX D(A), OR THE BASE LIMIT AS ADJUSTED DURING THE FIRST HALF OF THE RESTRAINT PERIOD PURSUANT TO PARAGRAPH 3, UNLESS OTHERWISE MUTUALLY AGREED.

2. (A) IF IMPORTS FROM JAPAN OF ANY CATEGORY APPEAR LIKELY TO EXCEED THE RESTRAINT LEVEL, OR 60 PER CENT THEREOF IN THE FIRST HALF OF A RESTRAINT PERIOD, THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL ENDEAVOUR TO NOTIFY THE GOVERNMENT OF JAPAN TO THAT EFFECT.

(B) SHOULD IT BECOME NECESSARY FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO DELAY IMPORTATION IN ANY CATEGORY DUE TO FILLING OF THE RESTRAINT LEVEL, AS MUCH PRIOR NOTIFICATION AS POSSIBLE WILL BE GIVEN TO THE

GOVERNMENT OF JAPAN."

3. THE FULL TEXT OF U.S.-JAPAN OMA ON SPECIALTY STEEL  
IS CONTAINED IN GATT DOCUMENT L/4368/ADD 5 OF SEPT. 10,  
1976.  
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## Message Attributes

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**Review Markings:**  
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